

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,
v.

Case No. _____

COMPLAINT

ESTATE OF LOWELL D. CORWIN SR.
5544 SOUTH 106TH STREET,
HALES CORNERS, WI 53130,

WISCONSIN ELECTRIC POWER CO.
231 W. MICHIGAN ST.
MILWAUKEE, WI 53203

Defendants.

Comes now the plaintiff, the United States of America, by James L. Santelle, United States Attorney for the Eastern District of Wisconsin, and Keith S. Alexander, Assistant United States Attorney for said District, and for its cause of action alleges that:

1. This is a civil action brought by the United States of America under the provisions of 28 U.S.C. §1345.
2. Lowell D. Corwin executed and delivered to Plaintiff, acting through the Department of Housing & Urban Development, a promissory note under Fannie Mae dated July 13, 2005, attached hereto as Exhibit A.
3. To secure said note, Lowell D. Corwin executed and delivered to Wells Fargo Bank, NA, its successors and assigns, an Adjustable Rate Home Equity Conversion Mortgage, attached as Exhibit B.
4. On March 26, 2008, Wells Fargo Bank, NA assigned their interest in the Note and Mortgage to The Secretary of Housing and Urban Development, a copy of which is hereto annexed

as Exhibit C.

5. Lowell D. Corwin passed away on August 8, 2009, a copy of the death certificate is hereto annexed as Exhibit D.

6. No action has been filed to probate the Estate of Lowell D. Corwin.

7. Under the Mortgage's paragraph 9 and the Note's paragraph 7, default occurred on the date of death of Lowell D. Corwin. Consistent with said terms and default, full and immediate payment is due and demanded.

8. Plaintiff is owed under the provisions of the note, and mortgage a balance of \$202,868.09 as of June 30, 2010.

9. Plaintiff has made the following payments as permitted by the provisions of said mortgage and said payments have become a part of the mortgage indebtedness.

| | |
|---------------------------|------------|
| Service fee (monthly fee) | \$1,800.00 |
| MIP (insurance) | \$7,798.77 |

10. The interest of the Estate of Lowell D. Corwin is junior and subordinate to the interest of the plaintiff.

11. The other defendants purport to have interest in the mortgaged premises but any such interests are junior and subordinate to the interest of the plaintiff.

WHEREFORE, plaintiff prays that an accounting be taken under the direction of this Court of what is due for principal and interest on the note, and mortgage, and that a decree be entered as follows:

(a) That the defendant pay to plaintiff the principal of \$161,819.97 and interest of \$31,449.35, together with interest from June 30, 2010 at the rate of \$13.56 per day computed as provided in the note, and mortgage up to the date on which the decree is entered, plus interest thereafter according to law, costs, disbursements, and expenses;

(b) Or in default of such payment, that all legal right, title, and interest that defendant has in the property described in said mortgage be sold at public sale in accordance with 28 U.S.C. §§2001-2003, inclusive, and that the amounts due to plaintiff be paid out of the proceeds of the sale pursuant to the lien priority of its mortgages;

(c) That the defendants and all persons claiming or who may claim by, from, or under them be absolutely barred and foreclosed from all rights and equity of redemption in the property,

(d) That if the proceeds of the sale exceed the sum of money to be paid to plaintiff, any such excess be deposited with the Clerk of this Court subject to further orders of the Court;

(e) For such other and further relief as is just.

Dated at Milwaukee, Wisconsin this 26th day of April, 2013.

JAMES L. SANTELLE
United States Attorney

By s/Keith S. Alexander

KEITH S. ALEXANDER
Assistant United States Attorney
Wisconsin State Bar No. 1053000
Office of the United States Attorney
Federal Building, Room 530
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
Telephone: (414) 297-1700
Fax: 414-297-4394
keith.alexander@usdoj.gov